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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,320

01/27/2007

Robert Neil Waterson

IPLTP0105US

7456

23908 7590 01/16/2009
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EXAMINER

LAUX, DAVID J

ART UNIT

PAPER NUMBER

4193

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,320	Applicant(s) WATERSON ET AL.	
	Examiner David Laux	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6-7 & 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 5,431,702 to Schulz.

3. '702 discloses a method of treating waste (Fig. 1), comprising the steps of: selecting primarily solid waste (18); shredding (19) and drying (35) said waste; and submitting said dried waste to gasification for producing a combustible gas (45); wherein the method also comprises the steps of selecting primarily liquid waste (11) containing solids in suspension and of filtering (12) said liquid waste to substantially separate the solids from the liquid waste (Col. 2, lines 43-51).

4. With respect to claim 3, '702 discloses a method further comprising the steps of collecting waste (collected and pressed into briquettes in Col. 3, lines 22-24) and cooling waste (35).

5. With respect to claim 6, '702 discloses a method further comprising the step of directly submitting dried waste from the dryer to a gasifier (as best understood, directly submitted means without an intermediate storage step) (Col. 3, lines 47-49; Col. 3, lines 54-55).

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6. With respect to claim 7, '702 discloses a method further comprising the steps of obtaining said dried waste from the dryer (35) and directly storing said dried waste (40) before directly supplying the dried waste to a gasifier (45) (Col. 3, lines 41-47; Col. 3, lines 51-55).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over '702 in view of US 3,807,644 to Van Ee. '702 fails to disclose a method step for the treatment of waste containing feathers, comprising the step of submitting quills of feathers to a cutter with a plurality of cutter blades so configured to section the quills (assuming the step is somehow different than the shredding step claimed in claims 1 & 2; see § 112 rejections above). '644 teaches a chopper pump capable of performing a method step of submitting quills of feathers to a cutter with a plurality of cutter blades so configured to section the quills (Col. 3, lines 42-44). It would have been obvious to one skilled in the art at the time of invention to combine the method of '702 with the chopper pump assembly of '644, because such a combination would have produced the added benefit of a pump capable of chopping feathers and similar materials into small enough pieces to prevent clogging of the pipes.

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9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over '702 in view of US 2003/0177963 to Maxwell. '702 fails to disclose the method step of routing the exhausts from the drying step and the gasification step to a single thermal oxidizer. '963 teaches the step of routing the exhausts from the drying step and the gasification step to a single thermal oxidizer (Paragraph 0062, lines 1-3; claim 3 of '963). It would have been obvious to one skilled in the art at the time of invention to modify the method of '702 with the exhaust routing method step of '963, since such a modification would have produced the added benefit of preheated combustion air and an efficient means for disposing of odorous air produced by the drying step.

10. Claims 2, 11, 14-15 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over '702 in view of '643.

11. '702 discloses a method of treating waste (Fig. 1), comprising the steps of: selecting primarily solid waste (18); shredding (19) and drying said waste (35); and submitting said dried waste to gasification for producing a combustible gas (45). '702 fails to disclose a method further comprising a step of submitting odorous emissions to a thermal oxidizer. '643 teaches a method step of submitting odorous emissions of the drying step to a thermal oxidizer (Col. 7, lines 57-58; Col. 7 line 68 – Col. 8, line 2; Col. 11, lines 18-22). It would have been obvious to combine the method of '702 with the oxidizing step as taught by '643, since such a combination would have produced the added benefit of deodorization of odorous gases.

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12. With respect to claim 11, '702 discloses a method further comprising the steps of collecting waste (collected and pressed into briquettes in Col. 3, lines 22-24) and cooling waste (35).

13. With respect to claim 14, '702 discloses a method further comprising the step of directly submitting dried waste from the dryer to a gasifier (as best understood, directly submitted means without an intermediate storage step) (Col. 3, lines 47-49; Col. 3, lines 54-55).

14. With respect to claim 15, '702 discloses a method further comprising the steps of obtaining said dried waste from the dryer (35) and directly storing said dried waste (40) before directly supplying the dried waste to a gasifier (45) (Col. 3, lines 41-47; Col. 3, lines 51-55).

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over '702 in view of '643 as applied to claim 2 above, and further in view of US 3,807,644 to Van Ee.

16. '702 fails to disclose a method step for the treatment of waste containing feathers, comprising the step of submitting quills of feathers to a cutter with a plurality of cutter blades so configured to section the quills (assuming the step is somehow different than the shredding step claimed in claims 1 & 2; see § 112 rejections above). '644 teaches a chopper pump capable of performing a method step of submitting quills of feathers to a cutter with a plurality of cutter blades so configured to section the quills (Col. 3, lines 42-44). It would have been obvious to one skilled in the art at the time of invention to combine the method of '702 with the chopper pump assembly of '644, since such a combination would have produced the added benefit of a pump capable of

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chopping feathers and similar materials into small enough pieces to prevent clogging of the pipes.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over '702 in view of '643 as applied to claim 2 above, and further in view of '963.

18. '702 fails to disclose the method step of routing the exhausts from the drying step and the gasification step to a single thermal oxidizer. '963 teaches the step of routing the exhausts from the drying step and the gasification step to a single thermal oxidizer (Paragraph 0062, lines 1-3; claim 3 of '963). It would have been obvious to one skilled in the art at the time of invention to modify the method of '702 with the exhaust routing method step of '963, since such a modification would have produced the added benefit of preheated combustion air and an efficient means for disposing of odorous air produced by the drying step.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3,729,298 to Anderson; US 6,871,603 to Maxwell; and US 4,432,290 to Ishii et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Laux whose telephone number is (571) 270-7619. The examiner can normally be reached on M-R 7:30-5, F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L./
Examiner, Art Unit 4193

/Derris H Banks/
Supervisory Patent Examiner, Art
Unit 3725
